

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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HECTOR DE JESUS CRUZ REYES, et al., :

Plaintiffs, :

-against- :

LA CASA DEL MOFONGO 207 LLC, et al., :

Defendants. :

22-CV-7956 (PAE) (OTW)

**ORDER**

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**ONA T. WANG, United States Magistrate Judge:**

On January 18, 2023, the Court referred this case for mediation. (ECF 21). On February 7, 2023, the first mediation conference was scheduled for March 22, 2023. That conference and the mediation conference subsequently scheduled for May 24, 2023, were not held because one or both parties failed to attend. (ECF 38).

On May 17, 2024, the Court granted Defendants' counsel's motion to withdraw and directed outgoing counsel to serve a copy of the Order on the Defendants and file proof of service on the docket on or before May 24, 2024. (ECF 40). The Court's May 17 Order also directed Defendants to inform the Court whether they had obtained new counsel by June 28, 2024. *Id.* Mr. Restituyo, outgoing counsel, filed an affidavit of service on May 24, 2024, indicating service was made by mail on May 23, 2024, to the last known address of Defendants at 546 West 207th Street, New York, NY 10034. (ECF 41).

On September 13, 2024, noting that Defendants had failed to notify the Court pursuant to the May 17 Order whether they had obtained new counsel, the Court directed Plaintiffs to (1) propose a briefing schedule for a motion for default and (2) file any such motion by Friday,

October 11, 2024, or risk dismissal for failure to prosecute; Plaintiffs were further directed to serve a copy of the September 13 Order on Defendants. (ECF 42). On September 27, 2024, Plaintiffs filed an affidavit of service indicating they had served a copy of the Order on Defendants by First Class Mail to 546 West 207th Street, New York, NY 10034. (ECF 43).

On October 8, 2024, Plaintiffs filed a letter motion requesting an extension of time to file their motion for default judgment. (ECF 44). Plaintiffs' letter motion indicates that Plaintiffs were contacted by Defendants' in-house counsel, Joshua J. Votaw, on October 7, 2024, and that Votaw, after receiving the September 13 Order from Plaintiffs, claimed Defendants were not aware of their former attorney's motion to withdraw or the Court's May 17 Order granting prior counsel's motion to withdraw because "these materials were apparently mailed to their outdated address after Defendants relocated." *Id.* Plaintiffs' letter further indicates that Defendants are now actively seeking new counsel and intend to participate in this case.

Plaintiffs' motion for an extension of time is hereby **GRANTED**. Plaintiffs are directed to (1) propose a briefing schedule for a motion for default and (2) file any such motion by **Friday, November 22, 2024**. If the parties resolve the case or Defendants file a response before November 22, 2024, Plaintiff may file a status letter instead of a motion for default judgment.

Plaintiffs' counsel is further directed to serve a copy of this order on the Defendants and file proof of service on the docket by **October 18, 2024**.

The Clerk of Court is respectfully directed to close ECF 44.

**SO ORDERED.**

Dated: October 15, 2024  
New York, New York

s/ Ona T. Wang  
**Ona T. Wang**  
United States Magistrate Judge